

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SIDNEY NAIMAN,
Plaintiff,
v.
RAYOSUN, LLC, et al.,
Defendants.

Case No. [19-cv-00256-JSC](#)

**ORDER TO SHOW CAUSE
REGARDING NON-APPEARING
DEFENDANT RAYOSUN, LLC**

The Court's March 25, 2019 Order, (Dkt. No. 19), continued the hearing on Defendant Freedom Forever, LLC's motion to dismiss, (Dkt. No. 7), to May 2, 2019, following Plaintiff's statement that it "would be prejudiced by severance" of the non-appearing defendants in this action—at that time, Freedom Solar Services, LLC ("Freedom Solar") and Rayosun, LLC ("Rayosun"), (Dkt. No. 18). The Court's March 2019 Order stated that if consent of all parties is not obtained by May 2, 2019, the case would be reassigned to a district court judge.

Since that Order, Plaintiff filed a motion for entry of default against defendants Rayosun and Freedom Solar. (Dkt. No. 23.) The next day, however, Plaintiff and Freedom Solar filed a stipulation seeking to extend the time for Freedom Solar to respond to Plaintiff's complaint. (Dkt. No. 24.) Freedom Solar also consented to magistrate jurisdiction pursuant to 28 U.S.C. § 636(c). (Dkt. No. 25.) Thus, Rayosun is the only defendant that has yet to appear and consent to magistrate jurisdiction. Because Rayosun has not consented, the Court cannot decide the motion to dismiss. *See Williams v. King*, 875 F.3d 500, 504 (9th Cir. 2017) (holding that magistrate "jurisdiction cannot vest until the court has received consent from all parties to an action.").

Given Plaintiff's previous statement regarding prejudice that would result if Rayosun is severed from this action, and Plaintiff's subsequent entry of default against Rayosun, the Court intends to reassign this case to a district court judge who can rule on all matters through final

1 judgment. If Plaintiff's position on severance of Rayosun has changed in light of Freedom Solar's
2 appearance, Plaintiff shall notify the Court on or before April 18, 2019; otherwise the case will be
3 reassigned.

4 **IT IS SO ORDERED.**

5 Dated: April 15, 2019

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8 JACQUELINE SCOTT CORLEY
9 United States Magistrate Judge
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